

PROB 12C
(7/93)Report Date: November 19, 2012
FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

United States District Court

for the

NOV 19 2012

Eastern District of Washington

JAMES R. LARSEN, CLERK
DEPUTY
RICHLAND, WASHINGTON

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Nicole Lee Sunny Cloud

Case Number: 2:12CR02070-001

Address of Offender: -

Name of Judicial Officer: The Honorable Edward F. Shea, Senior U.S. District Judge

Date of Original Sentence: 8/16/2010

Original Offense: Conspiracy to Possess with Intent to Distribute, and to Distribute Methamphetamine,
21 U.S.C. §§ 846 and 841(a)(1) and (b)(1)(B)Original Sentence: Prison - 28 Months Type of Supervision: Supervised Release
TSR - 48 Months

Asst. U.S. Attorney: Mary Katherine Dimke Date Supervision Commenced: 3/20/2012

Defense Attorney: Alison Klare Guernsey Date Supervision Expires: 3/19/2016

PETITIONING THE COURT

To incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court on October 2, 2012.

The probation officer believes that the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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3	<u>Mandatory Condition #2:</u> The defendant shall not commit another Federal, state, or local crime.
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Supporting Evidence: Ms. Cloud was arrested and charged with assault and battery and child abuse neglect by the Yakama Nation Tribal Police Department, case number 12-5528 on November 2, 2012.

On November 2, 2012, at 1911 hours, Tribal police were detailed to the intersection of Larue Road and McKinley Road regarding a juvenile walking on the roadway. A tribal officer made contact with a 12-year-old female juvenile, the victim, who is the defendant's niece. According to the victim, she got off the school bus and was walking toward her residence, when her aunt ran toward her and ripped off the loop at the top of her backpack. The victim then reported she began to run to the house, and her aunt grabbed her coat and pulled it off her as well. The victim indicated she ran into the bathroom and locked the door. According to the victim, the defendant picked the lock using a knife and gained entry. Upon entry, her

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aunt began slapping her, pulling her hair, and hitting her multiple times. The victim stated that the defendant grabbed her and pushed her into the bathtub. She also reported that this incident caused her pain.

According to the police report, the victim reported that incidents like this happen a lot. The victim showed the officer scars on her legs from prior incidents. The victim advised that the defendant threw a chair at her once and it broke. She also stated the defendant slaps her, hits her, and pulls her hair. The victim reported she is scared of the defendant. The victim also alleged the defendant drinks and smokes marijuana. The victim indicated that her grandmother, the defendant's mother, is her legal custodian. The victim reported that her grandmother is aware of the incidents occurring, but she just watches and does nothing.

At 2010 hours, the defendant arrived at the residence with her 4-year-old son. According to the police report, when the defendant entered the home, she stated, "What the fuck are you doing in my house?" The officer reported the defendant was very rude when asked about the incident. The officer also indicated that the defendant appeared to be under the influence of some unknown drug, as her eyes were irregularly shifting and she was unable to sit still. The defendant was placed in the back of the patrol car, her rights were read to her, and she was subsequently transported to the Yakama Nation Tribal Jail, where she was booked on the above-noted charges.

Ms. Cloud posted bail on November 5, 2012.

- 4 **Special Condition #16:** You shall undergo a substance abuse evaluation and, if indicated by a licensed/certified treatment provider, enter into and successfully complete an approved substance abuse treatment program, which could include inpatient treatment and aftercare. You shall contribute to the cost of treatment according to your ability to pay. You shall allow full reciprocal disclosure between the supervising officer and treatment provider.

Supporting Evidence: Ms. Cloud failed to attend her scheduled drug and alcohol assessment at the Yakama Nation Drug and Alcoholism program on November 6, 2012.

- 5 **Special Condition #17:** You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Ms. Cloud failed to submit to a random urinalysis test on November 13, 2012.

- 6 **Special Condition #17:** You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Ms. Cloud tested presumptive positive for methamphetamine and marijuana on November 16, 2012.

On November 16, 2012, Mr. Cloud reported to the probation office. She admitted to having used illegal drugs specifically, methamphetamine. A specimen was collected and tested using the MP Rapid Test device, which returned a presumptive positive for the presence of

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methamphetamine and marijuana. Although, Ms. Cloud admitted to methamphetamine use, she denied marijuana use. The specimen was sent to Alere Toxicology Services for confirmation.

The U.S. Probation Office respectfully recommends the Court incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court on October 2, 2012.

I declare under penalty of perjury that the foregoing is true and correct.

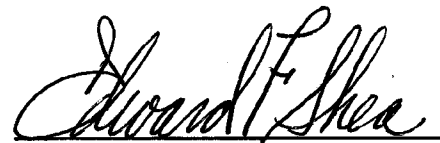
Executed on: 11/19/2012

s/Jose Zepeda

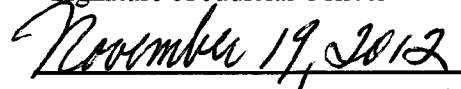
Jose Zepeda
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Other



Signature of Judicial Officer



Date